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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,193	07/31/2003	Grant E. Randall SR.	60246-225; 10,129	2187

26096 7590 06/22/2005

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EXAMINER

WILKENS, JANET MARIE

ART UNIT PAPER NUMBER

3637

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/631,193	Applicant(s) RANDALL ET AL.	
	Examiner Janet M. Wilkens	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/31/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

13

Information Disclosure Statement

The information disclosure statement filed July 31, 2003 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. The publications have been placed in the application file, but the information referred to therein has not been considered. Although it is stated that copies of the documents are enclosed with the IDS, no such documents have been received/scanned by the Office (as of the below noted date).

Specification

The disclosure is objected to because of the following informalities: on page 9, line 4, "200" should be "208". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-9, 15 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 2, 3, 7, and 11, the scope of the claims becomes unclear. Namely, it is unclear whether or not the mating connectors are to be claimed in combination with the assembly. In claim 1, these limitations appear

only in intended use/"for" statements and therefore have been given no weight in the claims. For claims 9 and 18, "said first direction" and "said second direction" lack antecedent basis. Note: the directions are not positively claimed in claims 1 and 13. For claim 15, it is misdescriptive to state that the second mating connector is on the second panel unit (which has the third and fourth skins) and "said third mating connector" lacks antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-10, 13-16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Weir. Weir teaches an insulated panel assembly (Fig. 8) comprising: a first panel unit (64) having a first skin, a second skin, a first insulating body, a first snap fit connector (11) and a second snap fit connector (11). The connectors have flexible end portions (21, 22); the ends having a slightly smaller dimension when attached within a mating connector (column 3, lines 55-63). Also taught is a second panel unit (Fig. 3) having a third skin, a fourth skin, a second insulating body, a first mating connector (12), a third mating connector (12) and a flange (11) with first and second portions. The first panel unit can also include a second body (top small member in Fig. 6). Furthermore, the connectors on second panel unit (43), a third panel assembly (123) and the body

(shown in Fig. 6) extend in vertical and horizontal directions. Please note that limitations found in intended use/"for" statements have not been given any weight in the claims.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Meyerson (6,314,701). Meyerson teaches an insulated panel assembly (Figs. 1 and 2) comprising: a first panel unit (10) having a first skin (18), a second skin (19), a first insulating body (11), a first snap fit connector (20A, 20B) and a mating connector (20). The snap fit connector has flexible end portions; the ends having a slightly smaller dimension when completely attached with a mating connector (as opposed to the initial attachment phase; column 4, lines 58-63). Also taught is a second panel unit (Fig. 2) having a third skin (18), a fourth skin (19), a second insulating body (11), a mating connector (20), and a snap-fit connector (20A,20B). Please note that limitations found in intended use/"for" statements have not been given any weight in the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyerson (6,314,701) in view of Weir. Meyerson teaches an insulated panel assembly (Figs. 1 and 2) comprising: a first panel unit (10) having a first

Art Unit: 3637

skin (18), a second skin (19), a first insulating body (11), a first snap fit connector (20A, 20B) and a mating connector (20). The snap fit connector has flexible end portions; the ends having a slightly smaller dimension when completely attached with a mating connector (as opposed to the initial attachment phase; column 4, lines 58-63). Also taught is a second panel unit (Fig. 2) having a third skin (18), a fourth skin (19), a second insulating body (11), a mating connector (20), and a snap-fit connector (20A,20B). Furthermore, the second panel unit includes flanges (25). Please note that limitations found in intended use/"for" statements have not been given any weight in the claims. For claims 1 and 13, Meyerson fails to teach that the first panel unit includes a pair of snap-fit connectors and that the second panel unit includes a pair of mating connectors. Weir teaches panel units wherein a pair of snap-fit connectors can be located on one panel (Fig. 8) while a pair of mating connectors can be located on another (Fig. 3). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the panel units of Meyerson by arranging the connectors in an alternate manner, i.e. putting a pair of snap-fit connectors on one panel and a pair of mating connectors on another, such as is taught by Weir, depending on the desired need of the person constructing the panel assembly, personal preferences, etc. The modification merely being a rearrangement of existing parts. Also for claims 10, 13 and 19, more than two panel units can be provided since it has been held that duplication of the essential working parts of a device requires only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Allowable Subject Matter

Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

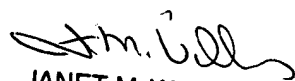
Claim 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkens
June 13, 2005


JANET M. WILKENS
PRIMARY EXAMINER
A-16 3637